

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

In the drawings

Revised Figure 7 is shown in the "Replacement Sheets" of drawing appended herewith. Fig. 7 has been corrected to include a reference number 54 identifying the gap defined between the parallel clamping walls of the nail clamp.

In the abstract

The abstract has been amended to correct a typographical error.

In the specification

The specification has been amended to more clearly describe the nail clamp illustrated in at least Figure 7, and to provide literal antecedent basis for the claims as amended. No new matter has been added.

Rejection of claims 1-6 under 35 U.S.C. § 102(b)

Claims 1-6 presently stand rejected as being anticipated by Liao (U.S. 5,873,509). This rejection is respectfully traversed for the following reasons.

Claim 1 has been amended to more particularly define the invention taking into consideration the outstanding Official Action. Claim 1 has been amended to include the nail clamp previously recited in claims 4 and 5, and to provide further clarification of the structure of the nail clamp. Claims 4 and 5 have accordingly been cancelled, and claim 6 is amended to correct its dependency.

The nail clamp according to claim 1 is pivoted to the front end of the nail guide, and comprises two parallel clamping walls that define a gap there between. The nail clamp is configured and arranged to hold the body of a front T-nail between the clamping walls.

It is respectfully submitted that the particular structure of the nail clamp as recited in claim 1 is lacking from the Liao disclosure. "A claim is anticipated *only if each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (emphasis added) *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as complete detail as is contained in the ... claim." (emphasis added) *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the recent Official Action, the examiner refers to Liao's guide plate 33 as a nail clamp according to the present invention. However, the guide plate 33 is a single plate member and therefore does not constitute the two parallel clamping walls of the presently claimed invention. While the examiner interprets the two sides of the guide plate 33 as being two parallel walls, this is inconsistent with the further recitation that "said clamping walls *each* [have] a *front facing side* [...]." There can be only a *single* front facing *side* to the guide plate 33, because the guide plate 33 consists of only a single plate member. Each of the sides of the guide plate 33 indeed has an *edge*, but it is claimed that each clamping wall have a *front facing side*, not merely a front facing *edge*.

This structure, inherent to the nail clamp as originally claimed, is clarified by the recitation that a gap is defined between the two parallel clamping walls, and by the recitation that the nail clamp is configured and arranged to hold the body of a front T-nail between the clamping walls. Liao neither teaches nor suggests such a gap, and cannot teach such a gap in the single plate member structure of the guide plate 33.

For at least these reasons, the withdrawal of the rejection is respectfully requested.

Conclusion

Every effort has been made to place the application fully in condition for allowance, and to remove all issues raised by the Examiner in the Official Action.

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance.

Application No.: 10/755,385
Examiner: T. K. Truong
Art Unit: 3721

Accordingly, it is requested that claims 1-3 and 6 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: November 14, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Schaefer", written in a cursive style.

JOHN R. SCHAEFER
Attorney for Applicant
Registration No. 47,921